

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Brad Armstrong	Docket No.:	F2811
Serial No.:	10/773,025	Art Unit:	2629
Filed:	February 4, 2004	Examiner:	William Boddie
For:	Image Controller		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Applicant wishes to bring to the attention of the United States Patent and Trademark Office (“the *Office*”) the information noted on the enclosed forms PTO/SB/08A that may be considered to be material to the examination of the above-identified application.

This information disclosure statement is filed by the applicant after the period specified in 37 C.F.R. § 1.97(e) and before payment of the issue fee and is accompanied by (1) the statement specified in 37 C.F.R. § 1.97(e); and (2) the fee set forth in 37 C.F.R. § 1.17(p).

The documents and information contained in the attached Information Disclosure Statements come from the following sources:

Translation of Poulson Reference

German patent publication DE 40 13 227 to Poulson (“Poulson Reference”) was identified in a prior Information Disclosure Statement. The Poulson Reference was first cited by the USPTO in a related application and included what appears to be a machine-generated translation of the German text into English. Applicant has obtained an English translation of the

German text of the Poulson reference by TransPerfect Translations, using a human translator. A certified copy of the English language translation of the Poulson Reference is included herewith.

Litigation involving related applications

In the case styled *Anascape, Ltd. v. Microsoft Corp., et al.*, filed in the United States District Court for the Eastern District of Texas, Lufkin Division (“District Court”) and assigned civil action number 9:06-CV-00158-RC, the plaintiff Anascape, Ltd. (“Anascape”) asserted twelve patents against Microsoft Corporation (“Microsoft”) and Nintendo of America, Inc. (“Nintendo”). Anascape is also the assignee of the above-referenced pending patent application. The defendants were accused by Anascape of infringing twelve issued U.S. patents, which include patents that are related to the above-indicated pending patent application.

Prior to trial, Microsoft settled with Anascape and was removed from the litigation. A trial involving Nintendo took place in May 2008. Only one of the twelve asserted patents - U.S. Patent No. 6,906,700 (“the ‘700 patent”) - was at issue in the trial. Nintendo was found to infringe the ‘700 patent at trial and subsequently filed an appeal with the United States Court of Appeals for the Federal Circuit (“CAFC”) where the case was restyled as *Anascape, Ltd. v. Nintendo of America, Inc.*, and assigned case number 2008-1500. Copies of documents associated with the District Court case and the parties’ briefing before the CAFC have been identified in prior Information Disclosure Statements. Recently, the CAFC issued its opinion in the *Anascape v Nintendo* appeal. A copy of the CAFC opinion is submitted herewith for the Examiner’s review.

Reexamination of patents asserted in the Litigation

Nintendo and Microsoft initiated reexamination proceedings individually against the twelve patents asserted in the District Court case identified above. The following table identifies

the reexamination serial number and current status of each reexamination. Reexamination-related documents were submitted in prior Information Disclosure Statements. An updated list of documents associated with the reexaminations is included in the Information Disclosure Statements filed herewith. Copies of these documents are not included as they are duplicative of references previously cited and are accessible to the Examiner via the United States Patent and Trademark Office's (USPTO) Patent Application Information Retrieval (PAIR) system.

Reexamination Serial Number	Requester/ Type	Reexamined Patent	Patent Serial Number	Current Status
90/008,490	Microsoft / Ex Parte	6,222,525	08/677,378	Reexamination terminated
95/000,221	Microsoft / Inter Parties	6,906,700	09/715,532	Reexamination terminated
95/000,224	Nintendo / Inter Parties	6,563,415	09/955,838	On Appeal to the Board of Patent Appeals and Interferences (BPAI)
95/000,230	Microsoft / Inter Parties	6,563,415	09/955,838	On Appeal to BPAI
90/008,379	Microsoft / Ex Parte	5,999,084	09/106,825	On Appeal to BPAI
90/008,373	Microsoft / Ex Parte	6,102,802	08/942,450	On Appeal to BPAI
90/008,480	Microsoft / Ex Parte	6,135,886	09/122,269	Reexamination Certificate Issued
90/008,477	Microsoft / Ex Parte	6,208,271	09/148,806	Notice of Intent to Issue Reexamination Certificate
95/000,223	Microsoft / Inter Parties	6,343,991	09/510,572	Reexamination Certificate Issued
95/000,217	Nintendo / Inter Parties	6,344,791	09/599,095	On Appeal to BPAI
95/000,222	Microsoft / Inter Parties	6,344,791	09/599,095	On Appeal to BPAI
95/000,214	Microsoft / Inter Parties	6,347,997	09/568,662	Reexamination Certificate Issued
95/000,225	Nintendo / Inter Parties	6,351,205	09/455,821	On Appeal to BPAI
95/000,226	Microsoft / Inter Parties	6,351,205	09/455,821	On Appeal to BPAI

Reexamination Serial Number	Requester/ Type	Reexamined Patent	Patent Serial Number	Current Status
95/000,220	Microsoft / Inter Parties	6,400,303	09/815,898	Reexamination Certificate Issued

Pending Related Patent Applications

As noted in previous Information Disclosure Statements, a number of currently pending patent applications are related to the above-identified pending patent application. The following table identifies the serial number for pending related patent applications and gives the current status of each pending related patent application. Documents associated with these related pending applications were submitted in prior Information Disclosure Statements. An updated list of documents associated with these pending applications is included in the Information Disclosure Statements filed herewith. Copies of these documents are not included as they are accessible to the Examiner via the USPTO's PAIR system.

With one exception, these cases are assigned to Examiner William Boddie. Application serial number F30.1, assigned application serial number 11/150,412, is assigned to Examiner Cory Almeida within the same Art Unit.

Pending Application Serial Number	Attorney Docket Number	Current Status
11/241,617	F28.1	Abandoned
11/241,618	F28.2	Pending
11/240,331	F28.3	Pending
11/240,326	F28.4	Abandoned
11/240,330	F28.5	Pending
11/240,329	F28.6	Abandoned
11/240,112	F28.7	Pending
11/240,158	F28.8	Abandoned
11/240,309	F28.9	Abandoned
11/240,374	F28.10	Abandoned

Pending Application Serial Number	Attorney Docket Number	Current Status
11/241,455	F28.11	Abandoned
11/240,327	F28.12	Pending
---	F28.13	- number not used
11/240,349	F28.14	Abandoned
11/241,478	F28.15	Pending
11/241,330	F28.16	Abandoned
12/030,025	F28.17	Pending
11/150,412	F30.1	Pending
10/773,025	F2811	Pending
12/366,434	F2811C1	Pending

- this application

Respectfully submitted,

April 29, 2010
Date

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